

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 1997-093645

08/04/2003

HON. CAREY SNYDER HYATT

CLERK OF THE COURT
C. Smith
Deputy

FILED: 08/06/2003

STATE OF ARIZONA

MAYAR M DAIZA

v.

LORI MARIE NELSON
DOB: 08/05/1960

MICHAEL L SCANLAN

APO-SENTENCE IMPRISON-SE
APO-SENTENCINGS-SE
APPEALS-SE
DISPOSITION CLERK-SE
RFR

DISPO: REVOKE-IMPRISONMENT/REINSTATE-PROBATION

State's Attorney:	Burges McCowan on behalf of Mayar M. Daiza
Defendant's Attorney:	Michael L. Scanlan
Defendant:	Present

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

LET THE RECORD REFLECT Count 5 is outside of Proposition 200.

The Court finds that Defendant violated the conditions of probation imposed on 05/28/1998 on the following charge (s):

OFFENSE: Count 1 Endangerment
Class 6 Felony
A.R.S. § 13-1201, 701, 702, 801
Date of Offense: 01/14/1995
Non Dangerous - Non Repetitive

OFFENSE: Count 2 Driving Under the Influence of Alcohol with One Prior Misdemeanor Conviction

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2415 Class 1 Misdemeanor
A.R.S. § 28-692(A)(1), 692.01(B), 444, 445, 13-707, 802, 12-116.01, 116.02, 41-2104,
Date of Offense: 01/14/1995
Non Dangerous - Non Repetitive

OFFENSE: Count 5 Possession of Drug Paraphernalia
Class 6 Undesignated
A.R.S. § 13-3401, 3418, 701, 702, 801
Date of Offense: 01/14/1995
Non Dangerous - Non Repetitive

IT IS ORDERED the grant of probation be revoked for count(s) 1 and 2.

IT IS ORDERED that Defendant be committed to the Arizona Department of Corrections for a term of imprisonment as follows:

Count 1: 6 month(s) from 08/04/2003
Presentence Incarceration Credit: 73 days
Mitigated

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

FINE: Total amount of \$785.00. Surcharges are waived.

ASSESSMENT:

Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Imposed pursuant to A.R.S. § 13-603(I).

IT IS ORDERED revoking the probation previously granted for count 2 and terminating same as unsuccessfully completed.

IT IS ORDERED that the Defendant be incarcerated in the Maricopa County Jail:

Count 2: Incarceration in the Maricopa County Jail:
73 day(s) from 08/04/2003

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Presentence Incarceration Credit: 73 days

IT IS ORDERED reinstating the Defendant on probation under the supervision of the Adult Probation Department of this Court under the rewritten conditions and regulations as explained by the Court.

Count 5

Length of Probation: 14 months

Date Reinstated From: Absolute discharge from Department of Corrections in count 1.

Conditions of probation include the following:

Condition 16 - Not drink any alcoholic beverage.

Condition 23 - Restitution, Fines, and Fees:

PROBATION SERVICE FEE: \$50.00 per month beginning upon the first day of the second month after absolute discharge from Department of Corrections in count 1.

FINE: Total amount of \$1570.00, which includes surcharges of 57%, payable \$50.00 per month beginning upon the first day of the second month after absolute discharge from Department of Corrections in count 1.

Fine is to be paid to the Arizona Drug Enforcement Fund.

ASSESSMENT in the amount of \$20.00 as follows:

Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00, payable \$5.00 per month, beginning upon the first day of the second month after absolute discharge from Department of Corrections in count 1.

IT IS FURTHER ORDERED Defendant be given credit for any monies paid to date.

Count(s) 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

IT IS ORDERED granting the Motion to Dismiss the allegations of violation of the remaining term(s) as set forth in the Petition to Revoke.

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cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HON. CAREY SNYDER HYATT
JUDGE OF THE SUPERIOR COURT

(thumbprint)